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SIPDIS

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E.O. 12958: N/A

TAGS: [PARM](#) [PREL](#) [CWC](#)

SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): WEEKLY WRAP-UP
FOR 22 OCTOBER 2004

REF: STATE 193093

This is CWC-126-04.

ARTICLE VII IMPLEMENTATION AMONG EC MEMBERS

1. (U) On the margins of the 38th Executive Council, Del contacted Art VII noncompliant EC members to: 1) request an update regarding their status of implementation, 2) stress the importance of EC members, whom are charged with the responsibility of overseeing treaty implementation, to honor their Article VII implementation obligations, and 3) remind EC members the U.S. stands ready to provide implementation assistance, upon request.

2. (U) Amb. Javits personally addressed the issue with the delegations of Kenya, Morocco, Malaysia, and Tunisia. Del contacted Cameroon, Sri Lanka, Kuwait, Mexico, Nigeria, Serbia and Montenegro, and Uruguay. Zambia, which does not have a rep in The Hague, is the only EC member not yet contacted, as Del not been able to reach anyone in their office in Brussels. Amb. Javits will be following up on this issue with other delegations as well as EC Chairman Arrospeide. Del will continue to press States Parties to meet their Article VII obligations and provide updates on the status of their national implementation efforts.

3. (U) All SPs provided similar responses to the demarche. First, SPs explained that they fully understand their obligations, EC members in particular, to implement the treaty. Second, they assured Del their government is actively working on the legislation/process of implementation. Third, they expressed appreciation for U.S. offers of assistance and added that they are evaluating how such assistance might help their specific situation. Fourth, SPs assured us they will keep the Del apprised of status changes in regards to meeting their Art. VII obligations.

4. (U) The following specific comments were also provided:

-- Kenya is very interested in U.S. assistance and mentioned their discussions with "a State Party" during their opening statement to the EC.

-- Morocco provided draft legislation last February to the Technical Secretariat and received comments. They have incorporated the comments and are awaiting presentation of the bill for adoption. They anticipate this legislative process will be completed prior to the CSP-10 deadline.

-- Tunisia's legislation has been drafted and currently sits in committee for consideration. Tunisia anticipates this legislative process will be completed prior to CSP-10.

-- Mexico originally drafted legislation as an add-on to their environmental/hazardous material regulations. However, upon further review, Mexican officials decided this addendum was not sufficiently comprehensive to cover all aspects of national implementation, including the general purpose criterion. Mexico, therefore, established a committee in April 2004 to consider amendments to both the criminal code and environmental/hazardous material regulations.

-- Serbia and Montenegro indicated that political problems and instability have prevented action by the government on national implementing measures. Representatives indicated that national implementing measures remain a priority, especially as EC members, and they intend to augment their draft legislation and get it through their regulatory process as soon as possible, hopefully by CSP-10.

-- Representatives of Cameroon, Malaysia, Sri Lanka, Kuwait, Nigeria and Uruguay indicated little knowledge concerning the status of implementation in their countries. Each indicated appreciation for the U.S. inquiry, and said they would check with capitals and get back to Del with substantive comments.

2005 BUDGET

15. (U) There has been very little activity on the budget since the conclusion of the EC. Both co-facilitators have been out of town, so there have been no consultations or meetings. Delegations are waiting for the TS to provide additional information on current disbursement rates against approved budget allocations for 2004, recent decisions on salary levels and related staff benefits, updated USD/Euro exchange rate information, and the latest available information on local inflation information and labor market conditions, as promised in paragraph 21.3 of the EC-38 report.

16. (U) The Canadian co-facilitator, Ian Mundell, told WEOG members that he believed that there may be some confusion within certain quarters of the TS about the necessity of promptly providing the information as required in the report language. Mundell will follow up with the Deputy DG and attempt to schedule further budget consultations in the next two weeks. In addition, several delegations, including the U.S., have outstanding requests for budget-related information pending with the TS. Del will push the TS to adhere to the requirements of the report language and also to provide all delegations with the information requested in a timely manner. Del will also highlight the fact that it would be in the TS's interest to provide alternative budget scenarios using a smaller increase than originally proposed, rather than having delegations go through the budget on a line-by-line basis.

17. (U) Noting that the issue of increased funding for International Cooperation and Assistance will definitely arise during upcoming budget discussions, the U.S. and other delegations stressed the need for emphasizing that much of the budget that does not officially fall under the heading of ICA is in fact ICA-related funding. In addition, the Dutch, speaking for the EU, said that the one-time EU voluntary contribution for 2005 is likely to be two million euros, half of which will be earmarked for ICA. The Dutch were not sure, but believe all of the two million euros will be disbursed in 2005. If so, it may be problematic for the TS to effectively absorb such a large contribution. The Swiss suggested that the NAM might be willing to accept a smaller increase in ICA funding in exchange for strengthening the language concerning ICA within the Core Objectives. The U.S. asserted that it was essential that the WEOG approach the upcoming budget discussions with a united front in order to stave off NAM attempts to increase ICA funding.

WORKING CAPITAL FUND (WCF)

18. (U) Del rep spoke with the Head of the OPCW Budget and Finance Branch, Rick Martin, on October 18 to encourage him to utilize the WCF, rather than curtail OPCW activities should any late U.S. payment cause the organization to become strapped for cash. Martin said that he thought the organization would probably not need to touch the WCF until at least late-November given the current rate of expenditures. Martin added that it would be better to use the fund and then replenish it, rather than have to return the U.S. contribution to SP's should the U.S. payment arrive in CY 2005, as mandated by the financial regulations. He seemed to imply, however, that there was some reluctance within the organization to tapping the WCF.

ARTICLE X

19. (U) Gabrielle Kruger (UK), facilitator of the National Programs questionnaire, noted in WEOG that the latest, and hopefully final draft of the document will be distributed to SPs by the TS this week. Indications are that China and Russia have agreed to accept the document in its current form and that Pakistan, Iran and India have indicated to her they do not have substantive or specific objections, but will wish to discuss the decision language. Del has received from Kruger a draft of the decision language, which has been sent to AC-CB. Kruger is planning meetings for the end of next week or beginning of the following week to discuss the questionnaire and decision language.

ARTICLE VII

10. (U) Del reps and representatives from Japan, New Zealand and Australia attended a TS meeting hosted by Sergey Kisselev (ICA), Ralf Trapp, and Keith Wilson (ERD) on October 21 to present a proposal for these states to assist implementing SPs in the Pacific Island Forum (PIF). As background, the TS provided a copy of draft legislation developed during the June 14-15, 2004 Fiji workshop, an August 6, 2004 TS letter

to these 17 states requesting information on the status of their implementation efforts, and a summary of responses received (FAXed to AC/CB).

11. (U) Using this information as the basis for discussion, the TS provided reps a proposal for follow-on actions by the attending SP representatives. The TS proposes that the U.S. follow up with the Cook Islands, Fiji, Kiribati, the Marshall Islands, and Palau. Kisselev reported that political pressure is required to move the implementation process forward in the Cook Islands, Fiji, Kiribati, and Palau (a U.S. citizen drafted Palau's legislation). The Marshall Islands and Micronesia reportedly will need more direct assistance. Kisselev noted that both Fiji and Palau will be attending the meeting of National Authorities in The Hague just prior to the CSP, which could provide an opportunity for U.S. del reps to meet with their representatives.

12. (U) The TS requested that the delegation indicate Washington's willingness to provide the requested assistance by mid-November. Both Australia and New Zealand noted they lacked resources, but thought they could provide some of the needed support. Japan enthusiastically endorsed the TS proposal subject to approval by Tokyo. Del applauds the TS initiative to assign donors to recipients under the Article VII Action Plan.

"STATENKWARTIER" REDEVELOPMENT

13. (U) As reported previously, The Hague is planning a redevelopment near the Del office, extending from the International Criminal Court to the Netherlands Congress Center. The development will be named "The Hague World Forum." Del will be meeting with the project leader to discuss how the development may affect Del operations in key areas such as access, security, etc.

14. (U) Javits sends.
SOBEL